

Recommended Approach for Establishing a National Saltwater Angler Registry and State Exemption Program (“Registry Program”) pursuant to Sec. 401 of the Magnuson-Stevens Fishery Conservation and Management Act

National Saltwater Angler Registry Team (“Registry Team”)
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Recommended Approach

I. A federal rule would be adopted that will require any U.S resident, other than a person who holds a commercial fishing license or permit issued by the appropriate regulatory authority, who is:

- angling or in possession of fish or operating a vessel that carries recreational fishing passengers for-hire in the EEZ or beyond the EEZ;
- angling or operating a vessel that carries recreational fishing passengers for-hire and who is in possession of anadromous fish in any waters;

to register annually with NOAA Fisheries Service by providing identification, address and telephone contact information (and vessel information for for-hire vessels) via a mechanism to be implemented through the FIS national one-stop permitting system.

Anglers and for-hire vessel operators would be exempt from the requirement to register annually if they held a license issued by, or were registered by, a state which had been designated as having been granted Exempted State status as described below.

Anglers under the age of 16 would be exempt from the mandatory registration requirement, although they could register voluntarily, at no cost. The fee for registering would be waived for non-commercial fishing by indigenous people, but the requirement to register would not be waived.

The requirement would become effective January 1, 2009, at no cost. Effective January 1, 2011, a fee would be assessed commensurate with current federal HMS permit fees.

II. The rule would also establish the procedures and guidelines by which states may be designated as holding Exempted State status. A state would apply for designation by submitting a proposal that addresses the requirements as noted below. A Memorandum of Agreement between NOAA and each state would be executed to establish the terms of designation.

States would be eligible to be designated as Exempted States in two ways (a “Hybrid Approach”): (1) by submitting state angler and for-hire vessel license holder data to NOAA for inclusion in a national or regional registry data base (dependent on final MRIP design); or (2) by participating in regional surveys of recreational catch and effort and making the resultant data available to NOAA.

III. Requirements for Exempted State status designation based on submission of state license holder data:

A state would need to annually submit to NOAA, in a format to be determined, a listing of all persons and for-hire vessels and for-hire vessel operators, including name, address and contact information (telephone contact number), who are licensed to fish, or who are registered as fishing, in all tidal waters of the state and for anadromous fish in all waters of the state in which anadromous fish run to the ocean.

State license frames which exclude anglers exempted from state licensing in the following categories would be accepted for Exempted State status (current states that include these exemptions are indicated):

1. Youth < age 14-16: all states
2. Seniors (accepted for two years—see below): DE, VA, TX, LA, MS, AL, FL
3. Customers on licensed for-hire vessels: DE, MD, VA, NC, FL, SC
4. Customers on licensed fishing piers: AL, FL, VA, NC, SC
5. Active-duty military while on furlough: DE, FL, SC
6. Disabled and/or disabled Veteran: DE, MD, VA, NC, MS, FL

State license frames which exclude anglers exempted from state licensing in the following categories would not be accepted for Exempted State status:

1. Fishing on licensed private vessel: DE, MD, VA, FL
2. Fishing on privately-owned shore: VA
3. Fishing on a public pier: CA, SC
4. Shore fishing: SC, FL
5. Waters not included in license requirement: MD
6. Licensed beach buggy occupant: DE

To retain Exempted State status, states would need to commit to certain enhancements to their submitted angler identification data as follows:

1. Senior exemptions: provide identification and contact information for exempted seniors;
2. Lifetime and multi-year licenses: refresh address and contact information periodically, probably annually;
3. Combination licenses: earmark license holders who intend to fish in salt water, or who did so in the prior year.

In order to retain their Exempted State status, states would need to put the administrative and/or regulatory mechanisms in place to achieve these three enhancement benchmarks by Jan. 1, 2011, and begin to deliver the enhanced data in that year. A second performance benchmark will be established to specify the proportion of the three categories of data to be captured by a specified date.

Exceptions to the foregoing requirements would be limited to including a provision that would confer Exempted State status on a state which demonstrates statistically that a given category of exempted anglers does not result in a biased effort estimate. The Team believes that state license exemptions or exceptions to achieving

benchmarks that involve a proportion of anglers and angler effort that is sufficiently small as to have no significant influence on the effort estimates can be accepted.

IV. Requirements for Exempted State status designation based on submission of recreational survey data:

1. State survey data would be part of a Regional survey. Define the regions as: Western Pacific: Alaska; Pacific (i.e. Pacific RecFIN); Gulf (i.e. RecFIN SA); Caribbean; Atlantic (i.e. ACCSP).

2. Surveys would utilize angler registry frames.

3. Surveys would be approved by NMFS as meeting national survey design and data collection standards.